



**DRAFT MINUTES  
BOARD OF ADJUSTMENT CITY OF MISSOURI CITY, TEXAS**

March 27, 2019

The Notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairperson Morris approximately 6:10 p.m.

**ATTENDEES:**

**Board Members Present:**

Roger Morris  
Joe Workman  
James Bailey  
Adrian Matteucci (alternate)  
Sharon Jurica (alternate)

**Board Member Absent:**

Robin Elackatt, Cleotha Aldridge, J.R. Atkins

**STAFF PRESENT:**

Otis Spriggs, Director of Development Services  
Jamilah Way, First Assistant City Attorney  
Thomas White, Planner II  
Mason Garcia, Planner I  
Egima Edwards, Planning Technician

**Others Present:**

Gorman W. (Bill) Prince, Jr, Daryl L. Smith, Daniel W. Goodale / Green Leaf Land Surveyor,  
Sandra Webber Fullerton / Attorney, Steven Jarrison / Jones | Carter Surveyor, Joyce  
Owens / Owens Management, Jim Adams / Attorney

**READING OF MINUTES:**

Chairperson Morris called for any corrections or additions to the January 30, 2019, meeting minutes.

**Motion:** Approval of the January 30, 2019, meeting minutes as corrected.

**Made By:** Board Member Matteucci

**Second:** Board Member Jurica

**AYES:** Board member Workman, Board Member Jurica,  
Board member Matteucci

**NAYS:** None

**ABSTENTIONS:** Board member Morris, Board Member Bailey

The motion passed.

**REPORTS:**

**A. BOARD MEMBERS**

None.

**B. STAFF REPORTS**

- (1) Development Services
  - a. Director – Otis T. Spriggs
    - Legal discussion of variances (Legal Department)
    - (1) Board rules and proposed amendments to Section 18

First Assistant City Attorney, Jamilah Way informed that the Legal Department was going to provide a presentation over changes to the rules; however, they were not ready at the present time. The presentation would be rescheduled.

**PUBLIC COMMENTS**

There were none.

**AGENDA ITEM FOR CONSIDERATION**

- A.** To receive comments for or against a request by Gorman W. Prince Jr. to obtain a variance from Section 7.2.C.4 of the City's Zoning Ordinance pertaining to a side yard. The subject site is located at 2502 Stillwell Street, Missouri City, Texas 77489. (Case tabled in the 01-30-2019 ZBOA meeting)

Director of Development Services, Otis Spriggs presented and noted the timeline of the discussion pertaining to the case facts during the previous Zoning Board of Adjustments and Appeals meeting. The side yard setback was in question; to weigh the possibility of a variance request for the distance not to exceed 1.5 ft. which is the maximum discrepancy on the survey, in terms of the placement of the building.

Board member Jurica asked why were the build-back lines on the City plans not taken into consideration in a residential lot. Mr. Spriggs informed that staff did notice the discrepancy, and that typically the code setback would have been utilized. He noted that sometimes on plats there is a build line; some builders place their preferred build lines that do not mesh with the zoning requirements. Chairperson Morris asked if the concrete and rebar were approved, and if the discrepancy of the setback was noticed at that time. Mr. Spriggs noted the inspection card with the approval of the foundation and its location on September 7, 2018. Chairperson Morris asked if the Code Enforcement noticed the setback at that time. Mr. Spriggs informed that they typically would not grant the building inspections if there were discrepancies noted.

Attorney representing Gorman W. Prince, Jim Adams stated that Mr. Prince followed the requirements of achieving permits and inspections. Once Mr. Prince found out about the slight variance, he contacted the City, was informed that it was ok and that there was nothing else to be done.

Gorman W. Prince, 1111 W. Bellfort, responded to the allegations of a concrete pad setback, an egress door, excessive noise of an exhaust fan, setback from his neighbor's



fence, knowledge of the setback during the construction, a paint booth, sand blasting equipment, hazardous fumes, and chemicals.

Registered Land Surveyor, Green Leaf Land Surveyor, Daniel W. Goodale stated that he and the surveyor of the neighbor's property reconciled the dimensions by placing monuments on the ground to establish the boundaries of both properties. Mr. Goodale surveyed Mr. Prince's property on March 26, 2019. He stated that the distance from the building to the property line on the west end is 4.8 ft.; east end of the building is 4.6 ft., the building is roughly over 5 ft. on the eastside. On the back side, the building is roughly over 2.5 to 3 in.

Attorney, representing Daryl Smith, Sandra Webber Fullerton stated that a number of discrepancies were noted by staff, and Mr. Prince's structure is not in compliance with the zoning ordinance.

Daryl Smith, 2506 Stillwell Street, stated that he told Mr. Prince that he could not place the build where proposed and that Mr. Prince replied that he was going to build it there anyway. Mr. Smith stated that he has lived in his home since 2001 and his property had been surveyed many times.

Registered surveyor, Jones | Carter, Steven Jarrison stated that he did not survey Mr. Smith's entire property. He found Mr. Smith's fence to be relatively on the property. Mr. Jarrison stated that he was not asked to locate Mr. Prince's building. He thought that it was a dispute about the fence. The dimensions are roughly 1.2 ft. apart, and on Mr. Prince's west property line are two sets of monuments. Different surveyors use different iron rods and determine different dimensions. Mr. Jarrison stated that he would testify to the fence; however, not to the building.

**Motion:** To close the public hearing

**Made by:** Board Member Matteucci  
**Seconded:** Board Member Bailey

**AYES:** Board member Morris, Board member Workman,  
Board member Bailey, Board Member Jurica, Board  
member Matteucci

**NAYS:** None

The motion passed.

**Motion:** To approve agenda item 6A. on the application of Gorman W. Prince Jr.; to grant a 1.5 ft. variance to the side yard regulations, because our evaluation of the property and the testimonies shown that the variance is not contrary to public interest owing to special conditions of the property; a little enforcement of the provisions of this ordinance would result in unnecessary hardship; which was not self-imposed, and the spirit of the ordinance is observed, and substantial justice is done.

**Made by:** Board Member Workman  
**Seconded:** Board Member Bailey

**AYES:** Board member Morris, Board member Workman,  
Board member Bailey

**NAYS:** Board member Jurica, Board member Matteucci

The motion failed.

**Motion:** To adjourn

**Made by:** Board Member Bailey

**Seconded:** Board Member Matteucci

**AYES:** Board member Morris, Board member Workman,  
Board member Bailey, Board Member Jurica, Board  
member Matteucci

**NAYS:** None

**ADJOURNMENT**



Egima Edwards  
Planning Technician